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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	Birkholz, et al.	:	Date: May 25, 2004
Group Art Unit:	2161	:	IBM Corporation
Examiner:	Unknown	:	Intellectual Property Law
Serial No.:	09/912,975	:	Dept. 917, Bldg. 006-1
Filed:	July 25, 2001	:	3605 Highway 52 North
Title:	METHOD AND APPARATUS FOR AUTOMATING SOFTWARE UPGRADES	:	Rochester, MN 55901

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants request that the information listed on the attached Form PTO/SB/08A be considered by the Office during the pendency of the above entitled application, pursuant to 37 C.F.R. §1.97. In accordance with 37 C.F.R. §1.97(h), the filing of this Information Disclosure Statement shall not constitute an admission that any information cited therein is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b). In the interest of full and complete disclosure to the Office, some or all of the art cited herein may not be considered by Applicant(s) or the Undersigned to be material under the new standard of materiality defined in 37 C.F.R. §1.56(b), enacted March 16, 1992, but may be material under the old standard of materiality defined in 37 C.F.R. §1.56(a), last amended on November 28, 1988, or may merely be technical background which may be of interest to the Examiner. In accordance with 37 C.F.R. §1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.

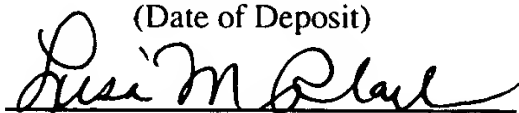
Serial No. 09/912,975
Docket No. ROC920010108US1

To the best knowledge of the undersigned, this Information Disclosure Statement is being filed under 37 C.F.R. §1.97(b)(3) before the mailing of a first Office action on the merits in the present application. Accordingly no filing fee is required.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

May 25, 2004

(Date of Deposit)



Lisa M. Plank

Respectfully submitted,

BRAAM ET AL.

By 

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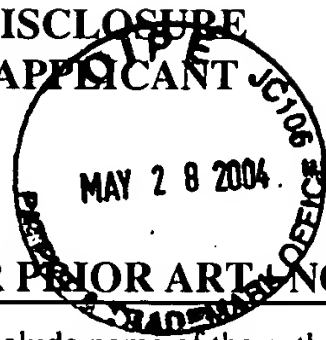
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PTO/SB/08A

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

Sheet 1 of 1



Application Number.: 09/912,975
 Filing Date: July 25, 2001
 First Named Inventor: Birkholz, et al.
 Art Unit: 2161
 Examiner Name: Unknown
 Attorney Docket Number.: ROC920010108US1

OTHER PRIOR ART, NON PATENT LITERATURE DOCUMENTS

Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and or country where published.	T ²
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kind Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language translation is attached.